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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

New York, N.Y.

4 v.

17 Cr. 396 (WHP)

5 JOHN CHAMBERS,

6 Defendant.

7 -----x

Sentence

8 November 20, 2018
9 3:30 p.m.

10 Before:

11 HON. WILLIAM H. PAULEY III,

12 District Judge

13
14 APPEARANCES

15 GEOFFREY S. BERMAN

16 United States Attorney for the
Southern District of New York

17 BY: ALEXANDER ROSSMILLER

PAUL M. MONTELEONI

18 Assistant United States Attorneys

19 GALLET DREYER & BERKEY, LLP

20 Attorney for Defendant

21 BY: ROGER L. STAVIS

JARED FOLEY

22 STEVEN BROUNSTEIN

23 Attorney for Defendant

24 ALSO PRESENT:

25 MICHAEL BUSCEMI, F.B.I.

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1 (Case called)

2 THE DEPUTY CLERK: Appearances.

3 MR. ROSSMILLER: Good afternoon, your Honor. Alex
4 Rossmiller and Paul Monteleoni for the government. With us is
5 New York City Police Officer Michael Buscemi.

6 SPECIAL AGENT BUSCEMI: F.B.I.

7 MR. ROSSMILLER: I'm sorry, F.B.I.

8 THE COURT: Good afternoon to all of you.

9 MR. STAVIS: On of behalf of Mr. Chambers, Gallet,
10 Dryer & Berkey, by Roger Stavis and Jared Foley.

11 MR. BROUNSTEIN: Steven Brounstein for Mr. Chambers,
12 as well. Good afternoon, sir.

13 THE COURT: Okay, counsel. Good afternoon. I note
14 the presence of the defendant, Mr. Chambers, at counsel table.

15 This matter is on for sentencing. Are the parties
16 ready to proceed?

17 MR. ROSSMILLER: Yes, your Honor.

18 MR. STAVIS: Ready for the defense, your Honor.

19 THE COURT: Mr. Stavis, have you reviewed with your
20 client the presentence investigation report?

21 MR. STAVIS: Yes, yes. Mr. Brounstein and I have
22 reviewed the report with our client, yes, your Honor.

23 THE COURT: Are there any factual matters set forth in
24 the report that you believe warrant modification or correction?

25 MR. BROUNSTEIN: No, Judge. I think factually it is

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1 accurate.

2 THE COURT: Mr. Rossmiller, are there any factual
3 matters set forth in the report that the government believes
4 warrant modification or correction?

5 MR. ROSSMILLER: No, your Honor.

6 THE COURT: Very well.

7 Gentlemen, I have received the parties' submissions.
8 Mr. Stavis or Mr. Brounstein, do you wish to be heard on behalf
9 of your client?

10 MR. STAVIS: Yes.

11 THE COURT: If you would take the podium.

12 MR. STAVIS: I am only going to be here for half a
13 minute. With the court's indulgence, we have divided up the
14 arguments into the guidelines arguments -- there are a few
15 outstanding guidelines for the court's decision -- and the 3553
16 arguments. So it was our intention that Mr. Brounstein would
17 address first the guidelines issues, if the court please.

18 THE COURT: That's fine. I think we should proceed
19 with the guidelines, and I will rule with respect to the
20 guidelines before I hear your arguments on sentencing on the
21 3553(a) factors.

22 MR. STAVIS: Thank you, your Honor.

23 THE COURT: Mr. Brounstein.

24 MR. BROUNSTEIN: Yes, your Honor.

25 Your Honor, in my submission to the court, I outlined

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1 a number of objections I had to the guidelines proposed in the
2 presentence report. Initially, your Honor, I had objected to,
3 just for the record, a two-level enhancement based upon the
4 amount of money involved in the bribery scheme. Just for the
5 record, your Honor, I withdrew that objection. I indicated
6 that to the probation department and, upon further reflection,
7 I thought it was really -- it was an inappropriate objection,
8 and I withdrew it.

9 The basis of my objections now, Judge -- and, by the
10 way, just for the record, your Honor, I do believe that the
11 base offense level is a 12, pursuant to 2C1.1; that there is an
12 enhancement, pursuant to 2C1.1(b)(1), which adds an additional
13 two points; and then there is the additional enhancement
14 pursuant to 2C1.1(b)(2) and 2B1.1(b)(1)(B), which leaves a
15 guideline at 16. So my objections focus on the other two
16 enhancements, Judge.

17 One of them, the first one I want to talk about, is
18 the abuse of position of trust because my client was an
19 attorney. The probation department and the government agreed
20 that a two-level enhancement is appropriate in that position.
21 My argument to the court and, Judge, basically I made this in
22 my letter, is that the bribery that he was convicted of, the
23 relationship he had with Mr. Villanueva and the manner in which
24 he acted with Mr. Villanueva and the matters he dealt with were
25 not necessarily involved with the fact that he was an attorney.

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1 It really dealt with the fact of a personal relationship they
2 had.

3 Now, there were areas in the pistol licensing division
4 where he did act as an attorney and you had to be an attorney
5 or you should be an attorney, such as the appeals that were
6 made to the administrative law judge, such as the numerous
7 article 78 actions he brought against the City of New York
8 pistol license division. Those specifically are attorney
9 skills and they require special skills. But at trial we did
10 learn of other individuals who did what Mr. Chambers did, and
11 they did that and that role really didn't need an attorney and
12 I don't think he really used his attorney skills to propagate
13 that, particularly in his dealings with Mr. Villanueva.

14 Based upon that, Judge, I think his special skills
15 that he had as an attorney, which he no longer has because he
16 has surrendered his license, he didn't utilize in that
17 relationship specifically with Mr. Villanueva and. I know the
18 government did object to this and Mr. Chambers openly in his
19 letter indicated to you that there were areas where he, in
20 dealing with the pistol license division, which really
21 encompassed his whole practice, he did use his skills as an
22 attorney. But I would suggest to the court that, based upon
23 the testimony of Mr. Villanueva and the nature of the
24 relationship he had with Mr. Villanueva and the interactions
25 regarding specific areas, that his special skills as an

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1 attorney were not used, so I objected to that.

2 My other objection, your Honor, is to the four-level
3 enhancement given to -- based upon the fact that it is claimed
4 that Mr. Villanueva was a public official who had a sensitive
5 position. Now, initially, Judge -- and I understand the
6 government has the right to do this, and I have no animus -- is
7 that they had agreed with me when I made that objection. I
8 think that what happened was that they probably read the
9 practice commentary. And if you read the practice commentary
10 to 2C1.1(b)(3), it does make reference to law enforcement
11 officers specifically.

12 Again, my argument, which relates to the argument I
13 just made to the court is that, number one, the role of
14 Mr. Villanueva in the pistol licensing division was not that of
15 a traditional law enforcement officer who would receive a
16 bribe. I would argue to the court that that area dealt with
17 the traditional bribery, where you bribe a police officer not
18 to arrest you, you bribe a police officer to turn over certain
19 information, you bribe a law enforcement officer to reveal who
20 informants are.

21 Additionally, is that although Mr. Villanueva did have
22 some say in making determinations as to what -- and we are
23 talking specifically about the incident section, your Honor, is
24 that Mr. Villanueva did not make the ultimate decisions
25 regarding the manner with which Mr. Chambers dealt with him.

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1 All of those decisions had to be approved and signed off by a
2 supervisor. So although he did make recommendations, I would
3 suggest to the court that that wouldn't be considered a highly
4 sensitive position because he wasn't the ultimate
5 decision-maker.

6 And, again, if you contrast that to what I just spoke
7 of, the traditional bribe-receiving police officer, that person
8 does make the ultimate decision, the decision of the police
9 officer not to arrest someone because he received a bribe or
10 the decision of the police officer to reveal certain
11 confidential information, that is the decision-making level,
12 because those are the ones that are propagating -- they are the
13 bribe receivers who are propagating the crimes.

14 So based upon that, your Honor, my argument is that
15 those combination of a six-level enhancement to the guidelines
16 should not be applied to this case, and obviously that's within
17 the discretion of the court, as always.

18 THE COURT: All right. Thank you.

19 MR. BROUNSTEIN: Thank you, your Honor.

20 THE COURT: Mr. Rossmiller, do you want to address the
21 guidelines issues?

22 MR. ROSSMILLER: Yes, your Honor, I am happy to
23 address the guidelines issues in particular.

24 Your Honor, I will be very brief, subject to any
25 questions from the court. I think our position was laid out in

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1 our submission.

2 With respect to the two-point enhancement pursuant to
3 guideline section 3B1.3, that is the abuse of position of
4 trust, the defendant here held himself out as an attorney in
5 connection with these activities and this conduct. He
6 represented individuals in attorney/client relationships. We
7 briefed privilege issues before the court, and certainly the
8 arguments and the evidence at trial show that he was acting in
9 his capacity as an attorney with respect to the conduct; and,
10 therefore, for those reasons and the reasons even more
11 thoroughly described in our letter, we do believe that that
12 position of trust facilitated the commission or concealment of
13 the offense as required for that enhancement.

14 With respect to the four-point enhancement or
15 four-level enhancement under guideline section 2C1.1(b)(3),
16 based on the commentary and because the recipient of the bribe
17 was a law enforcement officer, as specifically described, the
18 government submits that that four-point enhancement applies.
19 The commentary states that examples of a public official who
20 hold a sensitive position include, among other things, a law
21 enforcement officer.

22 So subject to any additional questions from the court,
23 that is our view on those two enhancements, your Honor.

24 THE COURT: All right. Thank you, Mr. Rossmiller.

25 So the parties differ over two aspects of the

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1 guidelines calculation. For the sake of the record at this
2 point, let me make clear what the court's guideline calculation
3 is here.

4 First, as noted by Mr. Brounstein, the base offense
5 level here for these offenses, which are grouped together for
6 guideline calculation purposes, is a 12. Because the offense
7 involved more than one bribe, a two-level enhancement is
8 warranted under 2C1.1(b)(1). In addition, because the bribes
9 amounted to more than \$6,500, a further two-level enhancement
10 is warranted under 2C1.1(b)(2) and 2B1(b)(1)(B). The parties
11 differ over the application of section 2C1.1(b)(3), a
12 four-level enhancement for a public official holding a
13 sensitive position. In this case, it is clear to me that the
14 jury, based on its verdict, and the testimony at trial
15 reflected that Sergeant Villanueva was not just a cog in the
16 machine and that he had considerable influence with the
17 ultimate decision-maker in the case. His recommendations
18 carried weight. Accordingly, I find that the four-level
19 enhancement is appropriate in this case.

20 Finally, with respect to the abuse of public trust
21 enhancement of two levels, Mr. Chambers certainly promoted
22 himself throughout his practice as an attorney who was very
23 knowledgeable and focused on pistol license permitting, and
24 there is no question in the court's mind that he used his
25 position as an attorney to obtain clients and, in turn, to get

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1 permits and to interact in a way, perhaps, that other
2 expediters, mere expediters, could not interact with the pistol
3 license division because they all understood, as Mr. Chambers
4 himself acknowledged in his letter submission to the court,
5 that he was an attorney and if ultimately he was not satisfied
6 and his client was not satisfied with the outcome at the pistol
7 license bureau, that he would commence legal action. So I find
8 that that two-level enhancement is also appropriate in this
9 case.

10 Now, that yields a total offense level of 22.

11 This is, as the presentence report notes,
12 Mr. Chambers's first criminal conviction. Accordingly, his
13 criminal history category is a I, and that yields a guideline
14 range in this case of 41 to 51 months of imprisonment. So this
15 court adopts the guidelines calculation as set forth in the
16 presentence report.

17 With that, Mr. Stavis, I will hear from you on the
18 3553(a) factors.

19 MR. STAVIS: Your Honor, I have had many occasions to
20 appear before this court over the years, and I know that this
21 court has read and considered every single letter.

22 THE COURT: And there are a lot of them.

23 MR. STAVIS: I know that this court read and
24 considered the DOJ guidelines of 2017 for transgender inmates
25 and the new DOJ guidelines of 2018 for transgender inmates. I

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1 know that this court has read and studied and absorbed the
2 presentence report, and I know that this court listened very,
3 very carefully to the testimony during the trial.

4 After all of that, your Honor, I think that you know
5 this man. I don't think that there is any mystery. I think
6 that John chambers is an open book. You know about his
7 childhood. You know about the abuse he suffered. You know
8 about the foster home that he was in. You know about his
9 mother. You know about his relationship. You know about his
10 reassignment surgery. You know this man, your Honor. And
11 talking about the 3553(a) factors, you know, from all of these
12 sources, that he is kind, that he is generous, that he is
13 thoughtful, that he is a loyal and devoted friend, family
14 member, and husband.

15 You will recall as a defense witness, Angelica
16 Villanueva, the wife of Sergeant Villanueva, testified as a
17 defense witness. The significance of that, your Honor, is -- I
18 understand that this was a bribery case and my client has been
19 convicted, and the decision of the jury was based on the
20 evidence. But that evidence was that Mr. Chambers had a
21 personal relationship with Sergeant Villanueva, had a
22 friendship with Sergeant Villanueva which transcended business,
23 which transcended bribery, which transcended all of that to
24 such an extent that when Sergeant Villanueva was divorced from
25 his wife, John Chambers continued the friendship with Angie

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1 Villanueva when she could do absolutely nothing for him.

2 That's the person. That's John Chambers.

3 Now, I would submit to the court, I know that your
4 Honor hears sentencing arguments routinely and they throw
5 around the word "aberration." Well, if I use the word
6 aberration, the government is going to say, gee, this is some
7 aberration that lasted over a series of years. It is not an
8 aberration in that respect, your Honor, but it is an aberration
9 in the respect that of all of the scores of police officers and
10 people in the pistol license division that John Chambers dealt
11 with, there is only one person that is the subject of the
12 bribery charges, and that's Sergeant Villanueva. I say that,
13 your Honor, not to belabor the point, and my client has been
14 convicted, but it was the crossing of a line. It wasn't just
15 about the bribes, and your Honor knows that. Your Honor sat at
16 the trial. Your Honor heard all of the witnesses. We
17 presented a defense case. There was a relationship that
18 transcended the bribery, and John Chambers crossed the line
19 into criminal conduct. That is a 3553(a) factor that your
20 Honor should consider, the nature and circumstances of the
21 offense and, of course, the history and characteristics of the
22 defendant.

23 As I go through the factors, I'm not going to belabor
24 each and every one, but to afford adequate deterrence, when it
25 comes to deterrence, your Honor, who would willingly trade

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1 places with John Chambers right now? He is as low as a person
2 can get. He is broken. He is busted. A lot of his -- your
3 Honor knows this from the trial testimony, a lot of his
4 self-esteem is tied up with his profession. His clients were
5 more than clients to him. He was dedicated. He prided himself
6 on the service and the results that he would get for those
7 clients. It is gone. It is all gone.

8 Your Honor, the level 22, at 41 to 51 months, that was
9 found in the presentence report, but then the probation
10 department, after finding that the offense level is 41 to 51
11 months, recommended a sentence of 24 months. That's a long way
12 from 41 to 51 months. And they provided as the justification
13 that this is his first offense, which it is, and that he is
14 being disbarred and losing his way of making a living. They
15 didn't even consider in that portion of the presentence report,
16 I guess I would call it the element in the room, which is that
17 Mr. Chambers is transgender.

18 Your Honor, I was too busy trying the case to pay
19 attention to anything that went on outside of this courtroom
20 during the trial, but after the trial, I did read in various
21 media accounts that the jurors were very troubled in their
22 deliberations about the fact that Mr. Chambers is transgender.
23 And, your Honor, our society has really advanced with regard to
24 transgender people. We are beginning to recognize their
25 humanity, that they are people. The government, under the

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1 3553(a) factors in their submission says it is entirely
2 appropriate for your Honor to consider that Mr. Chambers is
3 transgender.

4 Even the United States Department of Justice, which is
5 advancing with the rest of society, in January of 2017,
6 promulgated regulations, we are not going to just throw people
7 like Mr. Chambers into a prison facility and let him sink or
8 swim. But there has to be the medical attention, the
9 psychiatric attention, the concern for his physical safety.
10 That is in the DOJ's January 2017 guideline.

11 That changed. In the new guidelines this year, in the
12 2018 guidelines, under those guidelines they are going to put
13 Susan DeSanto in a woman's prison -- Susan DeSanto being the
14 name that John Chambers was born with and the identity that he
15 was born with, because that's the presumption. Not going to
16 get any hormone treatments, not going to get anything that he
17 needs. And your Honor, my client -- I will violate the
18 attorney-client privilege -- my client said to me, Roger, I'm
19 going to die in prison. He might be right. I don't know.

20 He has been convicted. He needs to be punished, yes.
21 We need to have deterrence, yes. He needs rehabilitation,
22 hopefully. But does he need to be destroyed by being sent to a
23 prison, your Honor? Does he need to be sent to a place with
24 absolutely no regard for his personal safety under these new
25 2018 guidelines? Nothing that he did warrants a punishment, a

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1 hellish punishment like that, your Honor. Nothing. He is
2 convicted. He stands here. He is ready for sentence. But
3 that's not a fair and just sentence.

4 You know, your Honor, in a sense, my job is easy. No
5 matter who my client is, I have to come here before a court and
6 I have to argue vociferously on behalf of that client whether I
7 like the client or not. It's my duty. It's my obligation.
8 It's my professionalism. But it is easy because that's what I
9 do. I have to argue. It's more difficult if you like a
10 client, but that's my job every day. My job is easy. The
11 court's job here is difficult. We understand that. And we
12 understand how difficult it is. And we understand the kind of
13 judge that your Honor is, and we understand that you have read
14 and absorbed all of the materials and letters that we have sent
15 to you.

16 We are asking for a fair and just sentence, and we
17 know that whatever sentence your Honor imposes is going to be a
18 fair and just sentence. We just ask this court that that
19 sentence, however long it is, not involve sending Mr. Chambers
20 into the hell hole of United States prison.

21 Thank you, your Honor.

22 THE COURT: Thank you, Mr. Stavis.

23 Mr. Rossmiller.

24 MR. ROSSMILLER: Yes, your Honor.

25 Your Honor, the government will be relatively brief.

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1 The court obviously presided over this trial and has our
2 submission. Most importantly, your Honor, these are very, very
3 serious offenses. The defendant bribed an NYPD officer in
4 connection with licenses for firearms, and so the government's
5 focus is particularly on the conduct here. It is serious
6 conduct with potentially dangerous consequences and it involved
7 the betrayal the trust and the corruption of vital government
8 processes which are designed to keep people in New York City
9 safe and to keep a structure for firearms licenses that was
10 violated repeatedly over a lengthy period of time.

11 Defense counsel noted that the defendant bribed one
12 person, and that's true, but he only needed one, your Honor,
13 and it was over the course of a significant period of time.
14 The government doesn't dispute, as we noted in our submission,
15 that there are unusual and significant mitigating
16 circumstances. There are 3553(a) factors on both sides of the
17 scale in this case, as there are in many cases. The government
18 has no quarrel with defense arguments about the defendant's
19 challenging past circumstances and about his current support.
20 And as we noted in our papers, as defense counsel noted, that's
21 entirely appropriate for the court to consider and to balance
22 against, again, the is very significant conduct that the court
23 heard about every day at trial that involved such a serious
24 offense and such a violation of trust and a corruption of the
25 process that the license division was supposed to undertake

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1 every day to keep New Yorkers safe.

2 Thank you, Judge.

3 THE COURT: Thank you, Mr. Rossmiller.

4 Now, Mr. Stavis, I know from your submissions your
5 client submitted a letter to the court. I have read it.
6 Notwithstanding that and what you -- what you said in your
7 letter, I ask whether your client would like to address the
8 court at all before sentence is imposed.

9 MR. STAVIS: Your Honor, it is a very difficult time
10 for my client. He found it best to express himself in writing.

11 THE COURT: I understand all of that. I nevertheless
12 feel constrained to make the request. That's all.
13 Mr. Brounstein made that clear in his submission accompanying
14 it.

15 MR. STAVIS: Thank you, your Honor.

16 THE COURT: All right. The defendant, John Chambers,
17 comes before this court after a jury in this district found him
18 guilty of four serious crimes against the United States --
19 bribery, conspiracy to commit bribery, honest services fraud,
20 and conspiracy to commit honest services fraud.

21 This court has reviewed the presentence invest report.
22 I adopt the findings of fact in the report as my own and will
23 cause the report to be docketed under seal and filed as part of
24 the record in this case. I have also reviewed all of the
25 submissions by the parties in connection with this sentencing,

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1 and I have already ruled on the guidelines calculation.

2 And so this court turns to the 3553(a) factors. The
3 defendant, John Chambers, is a 64-year-old-attorney who has
4 practiced law in New York for more than 30 years. He started
5 his legal career as an assistant district attorney in Brooklyn,
6 and thereafter went into private practice, focusing principally
7 on gun licensing issues.

8 With his conviction in this case, in April of 2018, he
9 has lost his license to practice and no longer practices law.

10 Over the last 20 years, his wife, Christina Chambers,
11 has worked as a paralegal at his side in what has become their
12 family business of navigating the process of pistol permit
13 licenses and renewals. Now, while Mrs. Chambers operates a
14 consulting business, her husband's law practice no longer
15 exists.

16 Obviously, the loss of one's ability to practice law
17 is a significant punishment in and of itself, especially to
18 someone who, by all accounts, devoted himself to his practice
19 to the exclusion of almost everything, else except perhaps his
20 show dog.

21 Now, the crimes for which the jury convicted
22 Mr. Chambers were not momentary lapses. Rather, they were part
23 and parcel of a business plan to grease the rails for his
24 clients. His conduct undermined the administration of justice
25 and, in particular, the responsibility of law enforcement

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1 officers to exercise their authority honestly and impartially
2 and to make decisions on firearms matters based on the law and
3 the public safety interest of the citizenry.

4 Certainly Mr. Chambers understood this as a lawyer,
5 and even more starkly as a former prosecutor. Such conduct
6 corrodes the integrity and public trust of law enforcement
7 agencies, and who knows who may have received a pistol permit
8 or a renewal of a pistol permit that should not have been
9 issued by the NYPD or the Nassau County Police Department.
10 Indeed, there was testimony at trial that at least one
11 individual with domestic violence charges against him was able
12 to keep his license contrary to the regulations designed to
13 protect the public, and we all know what tragedies can unfold
14 when firearms fall into the wrong hands. Thus, these crimes
15 are very serious ones with potentially very serious
16 consequences that make the need for general deterrence
17 compelling. The fact that Mr. Chambers asserts that he
18 exercised great care in selecting his clients and would not
19 have jeopardized public safety is beside the point and no
20 excuse.

21 Now, at the same time, this court acknowledges
22 receiving an outpouring of letters and support for
23 Mr. Chambers. Many of these letters speak to Mr. Chambers and
24 his wife's generosity to people in need and their desire for
25 friendship and to make the children of other people happy.

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1 Perhaps that is an understandable impulse on the part of a
2 couple who do not have children of their own, and it is also
3 possible that this generosity led to Mr. Chambers' indictment.
4 As Mr. Stavis acknowledged, there was a personal relationship
5 between Mr. Villanueva and Mr. Chambers, and Mr. Chambers
6 crossed that line. As a lawyer, Mr. Chambers should have
7 recognized the peril he was placing himself in by showering
8 Sergeant Villanueva and his family with expensive gifts and
9 compromising his judgment as a law enforcement officer. And
10 Sergeant Villanueva, who is the government's cooperating
11 witness, certainly seems to have benefited from Mr. Chambers'
12 largesse.

13 Now, there is no question in this court's mind that
14 Mr. Chambers had a difficult childhood. At the same time,
15 though, it certainly was not as bad as so many other defendants
16 who come before this court. While he dropped out of high
17 school, he managed to pull himself up by his bootstraps,
18 getting a GED and then a college degree, attaining cum laude
19 status while working various jobs, including as a bicycle
20 messenger to make ends meet.

21 Then, in a remarkable exercise of personal resolve and
22 against strong head winds, including his own personal grappling
23 with gender identity issues, he graduated from Temple
24 University Law School, was admitted to the bar, and secured a
25 highly competitive position as an assistant district attorney

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1 in Kings County.

2 So this all brings us, Mr. Chambers, to an ignominious
3 end to a legal career that started out with so much promise.
4 You undermined the administration of justice and, in doing so,
5 you endangered the public. For that, you must be punished. I
6 think you understand that.

7 I find that a guidelines sentence here is
8 significantly more than is necessary in this case to ensure
9 that the ends of the criminal justice system are satisfied. At
10 the same time, Mr. Chambers, I find that, because of the
11 gravity and the duration of the offenses and your stature as an
12 attorney, a term of imprisonment is warranted in this case, and
13 so it is against this backdrop that I am prepared to impose
14 sentence. I would ask, sir, that you stand.

15 This is a painful moment. I presided over the trial.
16 I listened to the evidence. The jury convicted you and, in my
17 view, their verdict was fully supported by the evidence in the
18 case.

19 It is my judgment, Mr. Chambers, that you be sentenced
20 to a term of 12 months and one day of imprisonment, to be
21 followed by three years of supervised release, subject to all
22 of the standard conditions of supervised release and the
23 following special conditions:

24 First, that you participate in a program of mental
25 health treatment upon your release. I will require you to bear

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1 the cost of such a program based on your ability to pay or the
2 availability of third-party payments. I am imposing, of
3 course, all of the standard conditions of supervised release in
4 the case. This mental health program will be an outpatient
5 program, and you will be required to take any prescribed
6 medications. I authorize the release of any available
7 psychological and psychiatric evaluations and reports,
8 including the presentence report, to your healthcare provider.

9 I am not going to impose any fine on you.

10 I am going to impose the mandatory \$400 special
11 assessment.

12 I am going to enter the order of forfeiture in this
13 case in the amount of \$10,000 unless counsel wish to be heard
14 further on that matter.

15 MR. STAVIS: No, your Honor.

16 THE COURT: Very well, then. I'm going to enter that
17 order as well.

18 And so, Mr. Chambers, this constitutes the sentence of
19 this court.

20 I advise you that you have the right to appeal. I
21 advise you further that if you cannot afford counsel, counsel
22 will be provided to you free of cost. Both Mr. Stavis and
23 Mr. Brounstein have done an excellent job both in the pretrial
24 matters, the conduct of the trial in this case, which was
25 thoroughly professional, and in all of their submissions on

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1 your behalf in connection with sentencing. And so I am
2 confident, sir, that they will advise you further of your
3 appellate rights.

4 You may be seated.

5 Are there any further application?

6 MR. STAVIS: Your Honor, we would ask that
7 Mr. Chambers be given an opportunity to surrender to whatever
8 facility. I usually would ask the court on the judgment and
9 commitment to reflect the choice of a facility. Because of
10 Mr. Chambers's unique transgender issues, I don't know what
11 that is, and so for that reason and because he is still
12 involved with winding up his life and his practice, I would ask
13 for a March 1 surrender date. That would give the Bureau of
14 Prisons -- we are heading into holiday season -- from a Bureau
15 of Prisons point of view, the time to make the right decision
16 with perhaps input from counsel and things of that nature, your
17 Honor.

18 THE COURT: All right. Does the government have a
19 view?

20 MR. ROSSMILLER: No objection, your Honor.

21 THE COURT: I am going to permit Mr. Chambers to
22 surrender voluntarily, but I'm going to require him to do so on
23 February 27, all right? That's a Wednesday. Generally, from
24 my experience, the Bureau of Prisons is much more adept at
25 handling things in the middle of the week than on a Friday,

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1 number one.

2 Number two, I will leave matters about the place of
3 incarceration to further discussions between counsel and the
4 Bureau of Prisons, but I am prepared at this juncture to
5 recommend on the face of the judgment either FC Devens Camp or
6 FC Butner Camp because I am informed that those institutions
7 have medical facilities in immediate proximity and also are
8 capable of administering various hormone treatments.

9 MR. STAVIS: May we have one moment, your Honor?

10 THE COURT: Yes.

11 (Counsel confer)

12 THE COURT: Devens is near Boston and Butner is he
13 near Durham, North Carolina.

14 MR. STAVIS: We just didn't know if those were male or
15 female facilities, your Honor. That was our question.

16 THE COURT: They are male facilities. Or I will leave
17 it to counsel with the government to discuss this with the
18 Bureau of Prisons. I will leave it open. And if something
19 arises, you can make a further application to me.

20 (Counsel confer)

21 MR. STAVIS: Yes. I think it is advisable, your
22 Honor, that counsel and the government confer. My experience
23 is that the Bureau of Prisons, while it is most receptive to
24 judges, but after that, it is receptive to prosecutors, and of
25 course not receptive at all to defense attorneys.

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1 THE COURT: I will leave the judgment of conviction
2 bereft of any recommendation as to situs.

3 MR. BROUNSTEIN: Your Honor, if we find an appropriate
4 facility -- and I think it's probably going to have to be a
5 female facility -- would the court then amend that to make a
6 recommendation if we can reach it with the government?

7 THE COURT: It won't be necessary if there is an
8 agreement. Getting amendments to judgments of conviction are
9 generally discouraged.

10 MR. BROUNSTEIN: I understand, your Honor.

11 THE COURT: All right. Is there anything further from
12 the government?

13 MR. ROSSMILLER: Not from the government, your Honor.

14 THE COURT: Anything further from the defense?

15 MR. STAVIS: No, your Honor except to thank the court.

16 THE COURT: All right. Very well. Look, this matter
17 is concluded. Mr. Chambers, given the resolve that you have
18 shown at other times in your life, I'm confident that you will
19 climb up this wall as well and get your life back together and
20 lead a productive one, and I trust that you will not be coming
21 back before me for any violation of supervised release.

22 THE DEFENDANT: Thank you, Judge.

23 THE COURT: All right. Happy Thanksgiving to all of
24 you.

25 COUNSEL: Thank you, your Honor.

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